

REMARKS

This Response is submitted in reply to the Final Office Action dated August 4, 2009. Claims 23-46 are pending in the present application. Claims 23-46 are rejected. In the amendment, Claims 23, 26, 28, 32, 35, 37, 41, 43, 45, and 46 are amended and Claims 47-50 are newly added. The amendment does not add new matter. In view of the amendment and/or for the reasons set forth below, Applicants respectfully submit that the rejections are improper and should be withdrawn.

Rejections under 35 U.S.C. 112

In the Office Action, Claims 23-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Office Action states that independent Claims 23, 32, 41, 43, 45, and 46 recite terms that lack clear antecedent basis.

Applicants respectfully submit that Claims 23, 32, 31, 43, 45, and 46 have been amended to give proper antecedent basis to the recited terms. Accordingly, Applicants respectfully request the 35 U.S.C. 112 rejection with respect to Claims 23-46 be reconsidered and the rejection withdrawn.

Rejections under 35 U.S.C. 103

In the Office Action, Claims 23-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,032,001 to Herrod et al. ("Herrod"). Applicants respectfully traverse this rejection for at least the reasons set forth below.

Independent Claims 23 and 32

Independent Claim 23 has been amended to recite, in part, "the position context represents a position in the particular physical environment and is based on a plurality of electric field intensities sensed by the sensing means." Claim 32 is similarly amended. The amendment is fully supported by the specification. For example, see paragraph [0055] of the specification.

Applicants respectfully submit that Herrod fails to disclose or suggest, at a minimum, "the position context represents a position in the particular physical environment and is based on

a plurality of electric field intensities sensed by the sensing means... transmitting the captured position context to the external apparatus for retrieving a data item stored in the external apparatus.”

The Office Action previously relied on Herrod’s internet address and GPS location to teach the claimed position context. Office Action, page 4, lines 21-22. However, the amendment clarifies that the claimed position context represents a position in a particular *physical environment* and is not equivalent to an internet address, which represents the location of data in a virtual environment.

Even if, arguendo, Herrod’s GPS location teaches the claimed position context, Herrod fails to teach transmitting the GPS location to an external apparatus *for retrieving a data item stored in the external apparatus*. Herrod, column 6, lines 39-45, merely discloses:

A further feature that can be incorporated into the terminal is a global positioning system (GPS) of a known type. The GPS communicates with GPS satellites via a suitable antenna (not shown). As a result the specific geographical location of the mobile device can be immediately ascertained. This can be provided as additional information broadcast by the device and can also be used by a central tracking system to ascertain where all the devices are at a given time.

Thus, Herrod discloses the mobile device transmitting a GPS location to be used by a central tracking system to track the mobile device. However, Herrod does not disclose or suggest that the mobile device transmits the GPS location to retrieve a data item stored in an external apparatus, let alone the mobile device actually receiving a data item based on the transmitted GPS location.

Independent Claims 41 and 43

Independent Claim 41 has been amended to recite, in part, “wherein the location data represents a position in the particular physical environment.” Claim 43 is similarly amended. The amendment is fully supported by the specification. For example, see paragraph [0055] of the specification.

As discussed above with regard to Claims 23 and 32, Applicants submit that Herrod’s internet address does not teach the claimed “location data.” And even if, arguendo, Herrod’s GPS location teaches the claimed “location data,” Herrod fails to teach “transmitting at least one of the location data, the time data, and the keyword to the database *for retrieving a data*

including at least one of visual data, audio data, and text data stored in the database.” (Emphasis added).

Independent Claims 45 and 46

First, the Office Action states the claimed “other apparatus’ is being interpreted as the data terminal 10.” Office Action, page 3, lines 15-16. However, it is unclear what apparatus the Examiner equates with the claimed “apparatus for storing data items” that Claim 46 is directed to. For purposes of this response, Applicants will assume the Examiner alleges the claimed “apparatus for storing data items” is taught by Herrod’s remote access site 118/access point 34 (column 6, lines 17-22, column 7, lines 47-49, column 8, lines 25-28) and/or Herrod’s processor/data storage/decoder device 36 (column 8, lines 28-36). If the rejection is maintained, Applicants respectfully request the Examiner clarify what teaches the claimed “apparatus for storing data items.”

Second, the Office Action recognizes that Claims 45 and 46 previously recited the elements “retrieving the database in response to a request from the other apparatus” and “sending data including at least one of visual data, audio data, and text data in a result of the retrieving.” Office Action, page 3, lines 21-23. However, Applicants are unclear what the Examiner believes teaches these elements. As best understood, the Examiner relies on Herrod’s data terminal being used to transmit a journalist report, police report, insurance bid/estimate, and parcel tracking to teach these elements. Office Action, page 4, lines 1-7, and page 9, lines 7-16. Applicants submit that Herrod’s data terminal, even if used for a journalist report, police report, insurance bid/estimate, or parcel tracking, fails to receive any information from an “apparatus for storing data items” based on a request sent by Herrod’s data terminal. Thus, Applicants respectfully submit that Herrod fails to disclose or suggest these elements, which are currently amended for clarity. If the rejection is maintained, Applicants respectfully request the Examiner clarify what teaches these elements.

For clarity, independent Claim 45 has been amended to recite, in part, “retrieving the database in response to a request from the other apparatus; and sending the data, to the other apparatus, including at least one of the visual data, the audio data, and the text data in a result of

the retrieving.” Claim 46 is similarly amended. The amendment is fully supported by the specification. For example, see paragraph [0058] of the published specification.

Applicants respectfully submit that Herrod fails to disclose or suggest retrieving the database in response to *a request from the other apparatus*; and *sending the data, to the other apparatus*, including at least one of the visual data, the audio data, and the text data in a result of the retrieving as claimed. For example, Herrod fails to teach Herrod’s remote access site 118/access point 34 and/or Herrod’s processor/data storage/decoder device 36 receives a request from data terminal 10 (the alleged other apparatus) or sends any data to data terminal 10. Instead, Herrod discloses remote users accessing the data acquired by data terminal 10 through a network.

The received signal is input to a processor/data storage/decoder device 36. The image can then be transferred to any desired device, for example a central data storage device for the user to access *on return to his premises (for example an Intranet or LAN)*, or a news and information network (such as the Internet) where it is desired to broadcast the image, or to a police or other authorities’ information database where it is desired to record and document the image.

Herrod, column 8, lines 28-36 (emphasis added); also see, column 7, lines 4-9 and column 7, lines 38-49. This passage further clarifies that even if the data terminal 10 is used for a journalist report or a police report, the data terminal 10 merely transmits to a database information but never receives information based on a request as claimed. Thus, Herrod’s remote access site 118/access point 34 and/or Herrod’s processor/data storage/decoder device 36 do not receive a request form the data terminal 10, nor send data to the data terminal 10.

Accordingly, Applicants respectfully request that the obviousness rejection with respect to independent Claims 23, 32, 41, 43, 45, and 46, and the claims that depend thereon, be reconsidered and the rejection withdrawn.

New Claims

Applicants further note that Claims 47-50 have been newly added. Claim 47 recites, in part, “sensing an IR signal transmitted from an IR beacon located in the particular physical environment, wherein the position context is based on the IR signal.” Claims 48-50 contain similar language. The amendment is fully supported by the specification. For example, see paragraphs [0058] and [0064] of the specification.

Applicants respectfully submit the subject matter as defined in the newly added claims is patentable over the cited art of record for at least the same reasons as discussed above, and for the additional patentable elements recited therein.

Conclusion


For at least the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of the same.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing. If such a withdrawal is made, please indicate the Attorney Docket No. 112857-434 on the account statement.

Respectfully submitted,

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